

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1202 be amended to read as follows:

- 1 Page 2, after line 3, begin a new paragraph and insert:
- 2 "SECTION 2. IC 16-41-37-6 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) The official in
- 4 charge of a public building shall do the following:
- 5 (1) Post conspicuous signs that read "Smoking Is Prohibited By
- 6 State Law Except In Designated Smoking Areas" or other similar
- 7 language.
- 8 (2) Request persons who are smoking in violation of section 4 of
- 9 this chapter to refrain from smoking.
- 10 (3) Remove a person who is smoking in violation of section 4 of
- 11 this chapter and fails to refrain from smoking after being
- 12 requested to do so.
- 13 (b) The proprietor of a restaurant shall, under sections 4 and 5 of this
- 14 chapter, post conspicuous signs at each entrance to the restaurant,
- 15 informing the public of the establishment's smoking policy.
- 16 (c) **This subsection applies after July 1, 2007, to a restaurant**
- 17 **that has both a designated smoking area and a designated**
- 18 **nonsmoking area. A restaurant may not claim to have a designated**
- 19 **nonsmoking area unless:**
- 20 (1) **the designated nonsmoking area is separated from the**
- 21 **restaurant's designated smoking area by:**
- 22 (A) **a solid, continuous wall that is:**
- 23 (i) **at least eight (8) feet in height; or**
- 24 (ii) **connected to the floor and the ceiling; or**
- 25 (B) **a distance of at least thirty (30) feet, measured**

1 **horizontally from the point in the designated nonsmoking**
2 **area that is closest horizontally to the designated smoking**
3 **area; and**
4 **(2) the restaurant has a ventilation system that prevents air**
5 **from the designated smoking area from circulating in the**
6 **designated nonsmoking area."**

7 Renumber all SECTIONS consecutively.

(Reference is to HB 1202 as printed February 23, 2005.)

Representative Thompson